

COLLEGE STUDENT AID COMMISSION[283]

Notice of Intended Action

**Proposing rule making related to rural Iowa primary care loan repayment program
and providing an opportunity for public comment**

The College Student Aid Commission hereby proposes to amend Chapter 24, “Rural Iowa Primary Care Loan Repayment Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 261.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 261 as amended by 2022 Iowa Acts, Senate File 2383, and 2022 Iowa Acts, House File 2463.

Purpose and Summary

This proposed rule making implements amendments enacted in 2022 Iowa Acts, Senate File 2383. Senate File 2383 adds neurology as an eligible specialty, allows an applicant to complete an out-of-state residency program, and allows physicians to practice part-time in a service commitment area in regard to the Rural Iowa Primary Care Loan Repayment Program. In addition, the Commission defines how awards will be made under the program in the event that surplus funds exist. This proposed rule making also implements amendments enacted in 2022 Iowa Acts, House File 2463, corresponding to nonsubstantive corrections to the Iowa Code.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Commission no later than 4:30 p.m. on September 13, 2022. Comments should be directed to:

Mark Wiederspan
Executive Director
Iowa College Student Aid Commission
475 S.W. Fifth Street, Suite D
Des Moines, Iowa 50309-4608
Phone: 515.725.3410
Fax: 515.725.3401
Email: mark.wiederspan@iowa.gov or administrative rules website at rules.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definition of “Part-time practice” in rule **283—24.2(261)**:

“*Part-time practice*” means that the physician is employed at least 28 hours of a 40-hour workweek in a service commitment area.

ITEM 2. Amend rule **283—24.2(261)**, definitions of “Physician,” “Residency program” and “Service commitment area,” as follows:

“*Physician*” means an individual who holds a practitioner’s license issued by an agency or board under the Iowa department of public health and is employed in the practice of medicine and surgery or osteopathic medicine and surgery, specializing in family medicine, pediatrics, psychiatry, internal medicine, obstetrics and gynecology, neurology, or general surgery.

“*Residency program*” means an accredited medical residency program ~~located in the state of Iowa in which the residency is physically performed in the state of Iowa.~~

“*Service commitment area*” means a medically underserved Iowa city ~~which~~ that provides a nonrefundable contribution for each physician in the community who is participating in the rural Iowa primary care loan repayment program, and ~~which the city~~ meets any of the following conditions:

1. Is a city within a federal mental health shortage area, as designated by the Health Resources and Services Administration of the United States Department of Health and Human Services, if the physician participating in the rural Iowa primary care loan repayment program specializes in psychiatry.

2. Is a city with a population of less than 26,000 that is located more than 20 miles from a city with a population of 50,000 or more. Locations and distances between cities will be consistently measured and verified by calculating the shortest travel distance on paved roads.

ITEM 3. Amend rule 283—24.3(261) as follows:

283—24.3(261) Eligibility requirements.

24.3(1) An eligible university will recommend ~~up to ten~~ applicants to the commission for loan repayment benefits. Priority will be given to students who are Iowa residents upon enrolling in the eligible university. “Iowa resident” means an individual who meets the residency requirements established in 283—Chapter 10. The percentage of the agreements to be entered into by students attending each eligible university shall be evenly divided.

- a. The commission will annually determine and communicate the number of recommendations that can be funded at each eligible university.

- b. If fewer than the recommendations in 24.3(1)“a” are fulfilled by students at one eligible university, the commission may obtain additional recommendations from the other eligible university to award the remaining agreements.

- c. If fewer than the total number of recommendations in 24.3(1)“a” are filled by students at the eligible universities, the commission may enter into additional agreements under the surplus funds provisions.

24.3(2) and **24.3(3)** No change.

24.3(4) An applicant must apply for, enter, and complete a residency program in Iowa.

24.3(5) Within nine months of graduating from the residency program, an applicant must receive a permanent license to practice medicine and surgery or osteopathic medicine and surgery in the state of Iowa and engage in full-time or part-time practice, ~~as defined by the service commitment area~~, of medicine and surgery or osteopathic medicine and surgery specializing in family medicine, pediatrics, psychiatry, internal medicine, obstetrics and gynecology, neurology, or general surgery for a period of five consecutive years in a service commitment area.

24.3(6) No change.

24.3(7) Prior to or upon engagement in full-time ~~employment~~ or part-time practice in a service commitment area, the physician must contract with a service commitment area to provide a nonrefundable \$20,000 contribution for deposit in the rural Iowa primary care trust fund. Payment must be received by the commission from a service commitment area prior to payment of any loan repayment awards.

24.3(8) No change.

ITEM 4. Amend rule 283—24.5(261) as follows:

283—24.5(261) Waivers.

24.5(1) No change.

24.5(2) Full-time employment. The commission may waive the requirement that the physician be employed full-time if the physician requests a waiver from the commission in writing and is working at least 28 hours per week. If a waiver request is granted by the commission, the agreement will be amended to provide an allowance for part-time employment. ~~The~~ For agreements entered into pursuant to 24.3(2) prior to July 1, 2022, the five-year employment obligation will be proportionally extended to ensure the physician is employed in a service commitment area for the equivalent of five full-time years.

24.5(3) Postponement of physician employment. The physician obligation to engage in practice in accordance with 24.3(5) may be postponed for no more than two years from the time full-time or part-time practice was to commence. The physician must request a waiver from the commission in writing for one of the following purposes:

- a. Active duty service in the armed forces, the armed forces military reserve, or the national guard.
- b. Service in Volunteers in Service to America or the federal Peace Corps.
- c. A service commitment to the United States Public Health Service Commissioned Corps.
- d. A period of religious missionary work conducted by an organization exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code.

The physician obligation to engage in practice in accordance with 24.3(5) may be postponed for a period exceeding two years for any period of temporary medical incapacity, including leave approved under the Family and Medical Leave Act, during which the physician is unable to engage in full-time or part-time practice. The physician must request a waiver from the commission in writing.

24.5(4) No change.

ITEM 5. Renumber rules **283—24.6(261)** and **283—24.7(261)** as **283—24.7(261)** and **283—24.8(261)**.

ITEM 6. Adopt the following new rule 283—24.6(261):

283—24.6(261) Surplus funds.

24.6(1) In the event that fewer than the total number of recommendations in 24.3(1) “a” are filled by students at the eligible universities, the commission may enter into additional agreements.

24.6(2) A surplus funds applicant must meet the following criteria:

- a. Must have graduated with a doctor of medicine or osteopathy degree from an eligible university and completed a residency program.
- b. Must receive a permanent license to practice medicine and surgery or osteopathic medicine and surgery in the state of Iowa and engage in full-time or part-time practice of medicine and surgery

or osteopathic medicine and surgery specializing in family medicine, pediatrics, psychiatry, internal medicine, obstetrics and gynecology, neurology, or general surgery for a period of five consecutive years in a service commitment area. The applicant must notify the commission of the applicant's service commitment area prior to beginning practice in the service commitment area.

c. Must complete and return to the commission an affidavit of acceptance into and completion of a residency program, acceptance of employment, and completion of annual employment obligations in a service commitment area.

d. Must contract with a service commitment area to provide a nonrefundable \$20,000 contribution for deposit in the rural Iowa primary care trust fund. Payment must be received by the commission from a service commitment area prior to payment of any loan repayment awards.

24.6(3) An applicant under rule 283—24.6(261) is subject to the provisions in 24.4(2) and rules 283—24.5(261), 283—24.7(261), and 283—24.8(261).

24.6(4) In the event that the total amount of surplus funds is insufficient to award all eligible applicants, awards will be prioritized as follows:

a. Physicians employed in a different state than Iowa and individuals in their final year of residency or fellowship, by date of application.

b. All other applicants by date of application.